

The Gazette



of India

EXTRAORDINARY

PART II—Section 3—Sub-section (II)

PUBLISHED BY AUTHORITY

No. 347-A] NEW DELHI, MONDAY, NOVEMBER 26, 1962/AGRAHAYANA 3, 1884

MINISTRY OF COMMERCE & INDUSTRY

NOTIFICATION

TRADE AND MERCHANDISE MARKS

New Delhi, the 26th November 1962

S.O. 3558-A.—The following draft of certain further amendments to the Trade and Merchandise Marks Rules, 1959, which the Central Government proposes to make in exercise of the powers conferred by section 133 of the Trade and Merchandise Marks Act, 1958 (43 of 1958), is published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 27th December, 1962. Any objection or suggestion which may be received from any person in respect of the said draft before the date so specified will be considered by the Central Government.

Draft Amendments

In the said Rules—

(1) In rule 82—

- (a) clause (f) of sub-rule (1) shall be omitted;
- (b) for clause (d) of sub-rule (2), the following clause shall be substituted, namely:—

“(d) a statement as to whether the registered proprietor had acquired title to the trade mark by way of assignment and if so whether he had acquired any other trade marks by the same assignment and how he had dealt with such other marks;”

- (c) for clause (e) of sub-rule (2), the following clause shall be substituted, namely:—

“(e) a statement as to whether the registered proprietor had, before the date of the application for registration as registered user, allowed the use of the trade mark by any person and if so by whom.”

- (d) in sub-rule (4), for the words “six months”, the words “twelve months” shall be substituted;

- (e) after sub-rule (4), the following sub-rule shall be inserted, namely:—

“(5) Notwithstanding anything contained in sub-rule (1) where more than one application for registration as registered user is made by the same registered proprietor and the same proposed registered user in respect of trade marks covered by the same agreement

the documents mentioned in sub-rule (1) may be filed with any one of the applications and a cross reference to such documents given in the other application or applications."

- (2) After rule 87, the following rule shall be inserted, namely:—

"87A. *Permitted use involving transmission of monies outside India.*—Where the permitted use involves transmission of monies outside India, any registration of registered user shall not bind or commit the Central Government or any other authority concerned to authorise such transmission as soon as it falls due under the terms of the permitted use."

[No. 5(41)-TMP/62.]

K. V. VENKATACHALAM, Jt. Secy.